

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Single-Use Bag Reduction Ordinance

Meeting Date: October 22, 2012
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: [Agenda Item Number]
Staff Contact: Ethan Nelson
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ISSUE STATEMENT

The proposed ordinance to increase reusable bags at retail locations by instituting a ban on plastic bags is in alignment with the City of Eugene goals of sustainability, waste prevention, and community livability. Bag ban ordinances are being promoted and adopted in communities across the US. This policy was designed with input from multiple stakeholders including industry and environmental advocates, who support the ordinance. Staff has presented the AIS, recommending a few revisions that improve the City's ability to comprehensively implement the ordinance.

BACKGROUND

The City Council reviewed this issue at the July 23, 2012 work session and again during the September 17, 2012 public hearing.

To help with education efforts and provide an opportunity for public input, city staff created a project webpage: www.eugene-or.gov/plasticbags. Links to a consumer and retail survey were provided as well as the proposed ordinance, staff reports and links to plastic bag ban resource pages.

RELATED CITY POLICIES

The City of Eugene regulates licensed garbage and recycling hauling activities within the city limits. These activities are guided by Oregon Revised Statutes as well as the Eugene City Code. In particular, ORS 459a outlines the "Opportunity to Recycle" for all Oregonians and sets garbage diversion rates that county's and their municipalities should strive for. The Lane County goal is to achieve 54% diversion on an annual basis by 2009. This level was reached for the first time in 2010 (57.4%). Outside of this statewide policy, waste reduction and diversion is included as an action item within Eugene's Climate and Energy Action Plan.

DISCUSSION

Staff recommends adopting the proposed ordinance with the following revisions.

1. Revise Definitions

The proposed ordinance requires reusable plastic bags to be a minimum of 2.25 mil in thickness. The term "mil" is the industry gauge for film plastic thickness. 2.25 mil bags are not what are typically considered "reusable", for they can easily tear as compared with their more durable canvas or thicker density plastic. The City of Austin's policy requires reusable plastic bags to be 4 mils, which allows for greater opportunities for reuse as compared with the 2.25 mil requirement.

Staff recommends revising Definitions to read:

Reusable bag. A bag made of cloth or other material with handles that is specifically designed and manufactured for long term multiple reuse and meets all of the following requirements:

- a. If cloth, is machine washable or
- b. If plastic, has a minimum plastic thickness of ~~2.25~~ 4.0 mils.

2. Exemptions

The proposed ordinance states that “vendors at farmers’ markets are not subject to indicating on the customer’s transaction receipt the total amount of the paper bag pass-through charge.” While this rule specifies only farmers’ markets, we believe that all retail ‘fair’ events (including the Holiday Market, County Fair, etc.) should be exempt from showing bag transaction costs on receipts.

Staff recommends revising section 6.865 to read:

(d) Vendors at *retail fairs* such as a farmers' markets *or holiday fair* are not subject to indicating on the customer's transaction receipt the total amount of the *recyclable* paper bag pass through charge required in section 6.860(b) of this code.

3. Addition of Business Hardship Exemption

The proposed ordinance has a placeholder for business hardship exemptions. Staff researched a number of ordinances for background on this item. The City of Corvallis and City of Portland ordinances do not include language for business hardship exemptions. The City of Austin, the City of Bellingham, the City of San Francisco, and Santa Cruz County all have language for business hardship exemptions. We reviewed the existing language in these various codes and drafted language below.

Staff recommends the following for business hardship exemption:

“The city manager or the designee may exempt a retail establishment from the requirement set forth in sections 6.855-6.860 of this code for a period of not more than one year upon the retail establishment showing, in writing, that this code would create an undue hardship or practical difficulty not generally applicable to other persons in similar circumstances. The decision to grant or deny an exemption shall be in writing, and the city manager’s or designee’s decision shall be final.”

If Council approves of this revision, staff recommends the following definition of undue hardship to be included in the definition section.

Undue hardship. *Circumstances or situations unique to the particular retail establishment such that there are no reasonable alternatives to single-use plastic carryout bags or a recyclable paper bag pass-through cannot be collected.*

PUBLIC COMMENT

Attachment B is a compilation of all public testimony received during the comment period 7/24/2012 to 9/17/2012, including testimony at the public hearing.

TRIPLE BOTTOM LINE – SOCIAL, ENVIRONMENTAL, ECONOMIC IMPACTS

The staff analysis from the February 27, 2012 work session includes a detailed discussion on the triple bottom line elements involved in a plastic bag ban. If the ordinance is adopted, City staff will develop

an outreach, education, and assistance program in cooperation with local retailers and environmental advocacy groups. The objective of the program will be to raise awareness of the purpose and function of the ordinance as well as provide a limited number of low-cost or free reusable bags to low-income residents.

COUNCIL OPTIONS

1. Adopt the proposed ordinance with revisions.
2. Take no action.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends Option 1, adopting the proposed ordinance with the revisions.

SUGGESTED MOTION

Move to adopt Council Bill 5078 concerning a ban on plastic bag use.

ATTACHMENTS

- A. Proposed Ordinance with revisions.
- B. Public Comment

FOR MORE INFORMATION

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